

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CARL GILLETTE, JR.,)
)
)
Plaintiff,)
)
vs.) No. 4:06-CV-918 (CEJ)
)
)
CITY OF WELLSTON,)
)
Defendants.)

ORDER

This matter is before the Court upon the defendant's motion for sanctions. The plaintiff has not filed a response, and the time allowed for doing so has passed.

The defendant moves for sanctions, including attorneys' fees and dismissal of this action, due to plaintiff's failure to attend a deposition. It appears that plaintiff was given proper notice of the deposition, but chose not to attend.

While plaintiff's failure to attend the deposition was without excuse or justification, the Court is reluctant at this time to impose the severe sanctions requested by the defendant. Instead, plaintiff will be given one more opportunity to attend a deposition scheduled by the defendant.

The Court reminds plaintiff that he must comply with the Federal Rules regarding discovery, regardless of his *pro se* status. Plaintiff is warned that if he continues to refuse to submit to a deposition, the Court will impose sanctions, which may include dismissal of this action with prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall appear at the offices of defendant's counsel for the taking of his deposition on the date and at the time scheduled by the defendant.

IT IS FURTHER ORDERED that the defendant's motion for sanctions is **denied without prejudice**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 28th day of February, 2007.